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ABSTRACT

This proceedings discusses the role for federal policy in achieving the best possible short and long-term educational results for youth with disabilities in juvenile justice programs. Participants identified the 11 issues regarding students with disabilities in juvenile justice programs and developed a set of recommendations as to how the federal government could best support programs and services for these students. Recommendations include: (1) training of law enforcement officers, juvenile justice staff, court personnel, and educators in areas such as cultural and ethnic competence, and prevention and early intervention; (2) support of research that examines links between race, delinquency, and disability, as well as that which identifies best practices for education within juvenile justice facilities and transition to back to the community; (3) monitor education programs within juvenile facilities more closely and urge state education agencies to improve monitoring of these programs; (4) support effective transfer of student records and coordinated educational practices; (5) assure early and ongoing parent and family involvement in the juvenile justice system; and (6) encourage states to develop interagency, seamless systems of care across education, mental health, and other social services agencies. (CR)

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ED 428 492

Students with Disabilities in Juvenile Justice Programs: Directions for Federal Support

Policy Forum - October 26-27, 1998

Proceedings Document

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TABLE OF CONTENTS

Abstract ii

Background and Purpose of the Policy Forum 1

Preparation for the Policy Forum 2

Location and Process of the Policy Forum 2

Summary of Presentations and Lunchtime Discussion 3

Shay Bilchik, Administrator of OJJDP - Opening Remarks 3

David Osher, Director of the Center for Effective Collaboration and Practice (CECP) at the American Institutes of Research (AIR) 4

Paul Kingery, Director of the Hamilton Fish Institute on School and Community Violence 5

Lunchtime Discussion with Judy Heumann, Assistant Secretary, OSERS, and Tom Hehir, Director, OSEP 5

Burning/Pressing Issues and Strategies to Address Each Issue 6

Roles for the Federal Government - Summary of Recommendations 13

Next Steps 14

References 15

Appendix A 16
Participant List

Appendix B 19
Policy Forum Agenda

Appendix C 22
Recommendations for Federal Role

Abstract

This document contains the proceedings of a policy forum entitled, *Students With Disabilities in Juvenile Justice Programs: Directions for Federal Support* held at the Crystal City Marriott in Arlington, Virginia on October 26-27, 1998. The policy forum was planned and convened by Project FORUM at the National Association of State Directors of Special Education (NASDSE), a cooperative agreement funded by the U.S. Department of Education's Office of Special Education Programs (OSEP), in conjunction with staff from OSEP and the Department of Justice's Office of Juvenile Justice and Delinquency Programs (OJJDP). The purpose of this meeting was to obtain input from the field regarding the federal role in achieving the best possible short and long-term educational results for youth with disabilities in juvenile justice programs. Policy forum participants included individuals with expertise in correctional education and juvenile justice programs, including: researchers, technical assistance providers, faculty in personnel preparation programs, attorneys, juvenile justice monitors, and school district and juvenile justice administrators and practitioners. Participants identified 11 burning/pressing issues regarding students with disabilities in juvenile justice programs. These issues were prioritized by the participants, and a variety of strategies were proposed for each issue. The final task completed by participants at this forum was the development of a set of recommendations as to how the federal government could best support programs and services for students with disabilities in juvenile justice programs.

Students With Disabilities in Juvenile Justice Programs: Directions for Federal Support

Background and Purpose of the Policy Forum

Data suggest that students with disabilities are over represented in the juvenile justice system; however, estimates of the number and percentage vary considerably. According to one researcher, more than 30 percent of youth who enter correctional facilities previously received special education services in the public schools, a considerably higher percentage than typically found in public elementary and secondary schools (Leone, 1997). One state's 1995 survey of adolescents in corrections settings and adolescents in public schools indicates that more than twice as many of the adolescents in corrections had been placed in special education classes (Harrison, Fulkerson & Beebe, 1996). Regardless of the specific numbers, it is clear that many youth in the juvenile justice system are in need of special educational support.

The 1997 Amendments to the Individuals with Disabilities Education Act (IDEA) assures that a free appropriate public education (FAPE) be made "...available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school" [Section 612(a)(1)(A)]. The 1997 Amendments further clarify that the provision of FAPE is to be made available to certain individuals in adult correctional facilities; however, this does NOT apply to individuals "...18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court..." [Section 612(a)(1)(B)(i)] and those "aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility were not actually identified as being a child with a disability under section 602(3) of this Act; or did not have an individualized education program under this part" [Section 612(a)(1)(B)(ii)(I and II)].

The U.S. Department of Education's Office of Special Education Programs (OSEP) and the Department of Justice's Office of Juvenile Justice and Delinquency Programs (OJJDP) have been collaborating for a number of years on issues related to the provision of special education services to youth in correctional facilities. With the passage of the 1997 Amendments to IDEA, it is important to more clearly define the federal government's role in this area and identify how offices such as OSEP and OJJDP can support efforts across the country to improve educational services for youth with disabilities in correctional facilities.

The purpose of this policy forum was to obtain input from the field regarding the federal role in achieving the best possible short and long-term educational results for youth with disabilities in juvenile justice programs.

Preparation for the Policy Forum

Project FORUM staff worked closely with OSEP and OJJDP to identify participants for the policy forum. Efforts were made to include individuals with specific and diverse expertise in correctional education and juvenile justice programs, including: researchers, technical assistance providers, faculty in personnel preparation programs, attorneys, juvenile justice monitors, school districts and juvenile justice administrators and practitioners. The participant list can be found in Appendix A.

Each participant was asked to complete a homework assignment prior to the policy forum which involved preparing a 3-5 minute presentation on the following: (1) their background and experience in relation to special education and juvenile justice, and (2) the one most burning/pressing issue regarding students with disabilities in the juvenile justice system.

Location and Process of the Policy Forum

The policy forum was held on Monday and Tuesday, October 26 and 27, 1998 at the Crystal City Marriott in Arlington, Virginia. The meeting was facilitated by Joy Markowitz and Judy Schrag from Project FORUM.

The policy forum opened with a welcome from Project FORUM, OSEP and OJJDP. Following a brief introductory presentation by Shay Bilchik, Administrator of OJJDP, to set the context and reiterate the purpose of the forum, forum participants introduced themselves. Each gave a brief description of their background and experience related to the policy forum topic and stated one most burning/pressing issue regarding students with disabilities in the juvenile justice system. Participant introductions raised a dynamic set of issues that framed the work for the remainder of the policy forum.

Two presentations followed the participant introductions. These were given by David Osher, Director of the Center for Effective Collaboration and Practice (CECP) at the American Institutes of Research (AIR), and Paul Kingery, Director of the Hamilton Fish Institute on School and Community Violence. Both presenters represent projects that currently receive federal funds to address issues relevant to the policy forum.

Judy Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services (OSERS), and Tom Hehir, Director of OSEP joined the policy forum for a lunchtime discussion regarding the provisions of the 1997 Amendments to IDEA, issues and concerns related to correctional education within juvenile justice programs, and other challenges facing youth with disabilities.

The first part of the afternoon was spent clarifying the burning/pressing issues presented by the participants during their initial introductions and eliminating redundancy. Ten (10) major issues emerged. During the remainder of the afternoon, three small groups identified strategies to address

the major issues. One additional major issue was added after the small group discussions, for a total of 11. Small group presentations were made to the total group for the purpose of refining the strategies identified for each major issue. The strategies for each of the issues were compiled and edited by Project FORUM following the conclusion of the first day's session.

Day two of the policy forum began with an individual review of the issues and strategies developed the previous day by the participants. After refinements were made in a large group session, each participant used colored stickers to select the three most burning/pressing issues. Beginning with the highest priority issues, forum participants worked in pairs or small groups to identify roles the federal government might play in facilitating the implementation of the strategies. The policy forum concluded at 12:00 noon on Tuesday.

Summary of Presentations and Lunchtime Discussion

Shay Bilchik, Administrator of OJJDP - Opening Remarks

Shay Bilchik discussed the difficulties facing students with disabilities and the challenge of ensuring that each student has a positive, long, and healthy life. For students who are victims of abuse and neglect and/or become involved with drugs and self-medication, additional school failure due to a learning disability complicates their urgency to turn to drugs. Students with disabilities may look for skills and support that they cannot find in the traditional school setting, and school failure may pull them into the "web of gangs." In addition to skills and opportunities, students who turn to gangs are looking for recognition. Students with disabilities often do not get recognition in school and look to gangs to fill this void.

According to Shay Bilchik, the following are needed for a stronger juvenile justice system: better identification (assessment) of the needs of children and youth; greater sensitivity and knowledge of disabilities, and how to work with students with disabilities on the part of judges, public defenders, prosecutors, and other court personnel; and improved transition and follow-up services when youth re-enter their communities.

In the spring of 1996, a meeting was held with OJJDP, OSERS, Office of Vocational and Adult Education (OVAE), National Recreational Parks Association, the National Institute of Literacy, and a diverse group of professionals working with youth. An outcome of this meeting was to make recommendations to the Coordinating Council on Juvenile Justice and Delinquency Prevention related to:

- the rate of learning disabilities among youth treated in the juvenile justice system;
- the actual treatment of youth with disabilities in the juvenile justice system;
- the need for timely and comprehensive assessment;
- effective collaboration among youth serving agencies and federal agencies;
- and the effect of multi-cultural issues on the treatment of these youth.

As a result of this meeting, several collaborative efforts have been initiated by the Departments of Education and Justice. One effort is the development of a series of monographs to be released shortly on the following topics:

- rates of disabilities among youth in juvenile and adult corrections;
- treatment of youth with disabilities in the juvenile justice system;
- effective educational interventions for youth with disabilities in the juvenile justice system;
- the role of recreation in preventing youth with disabilities from coming into contact with the juvenile justice system;
- the role of advocacy organizations in developing best practice models for youth with disabilities in the juvenile justice system; and
- the role of collaboration between the critical disciplines that impact the system (e.g., education, child welfare, mental health, recreation, youth development, disability organizations, and the juvenile justice system).

A bulletin has been developed that summarizes the above monographs, with the goal of creating awareness in the field of the availability of this research and an understanding as to how this research can be used by practitioners and policy makers.

Shay Bilchik challenged policy forum participants to assist in the further development of the federal conceptual framework that will shape the above initiatives. He asked the group to identify the most critical issues for students with disabilities in the juvenile justice system, as well as the immediate short-term goals and action steps that must be taken at the federal level to leverage federal resources and strengthen relationships across federal departments and organizations.

David Osher, Director of the Center for Effective Collaboration and Practice (CECP) at the American Institutes of Research (AIR)

David Osher outlined several activities taking place at AIR related to students with disabilities in the juvenile justice system, including work on the series of monographs described above. They are also updating a study conducted in the 1980's in order to get baseline data for estimating the number of children/youth with disabilities in juvenile justice facilities, including those in detention. A third activity is work with OVAE related to effective correctional education for adults with learning disabilities. A fourth activity at AIR is development of a model for technical assistance in such areas as school discipline and positive outcomes for students with disabilities.

CECP is funded by the U.S. Department of Education to focus on promoting collaboration at many levels by finding common language, common discourse, and knowledge that can be collaboratively transformed into improving practice at all levels in schools and communities. To disseminate information widely, CECP uses printed and electronic formats for such publications as the *Early Warning/Timely Response: A Guide to Safe Schools*. CECP also conducted a study for the Center on Mental Health Services involving schools in the development of systems of care, and has identified sites around the country using promising practices (e.g., school-based prevention

programs, alternative programs, and correctional education). Another focus of CECP is to promote collaboration among a variety of federal partners, as well as to encourage similar collaboration at the state and local levels, focusing on strengthening a collaborative infra structure at all levels.

Related to this policy forum, David Osher noted that the experience of CECP has reinforced the need to do the following: carry out prevention at the school and community level, understand factors that put a child at risk, and provide long-term support to students and schools after addressing a crisis.

Paul Kingery, Director of the Hamilton Fish Institute on School and Community Violence

Paul Kingery described the Institute's overall focus as that of working to prevent violence in schools and communities. Its interests are broader, however, and include areas of aggression and anti-social behavior. The Institute is charged with being a resource to schools and communities, conducting original research, and synthesizing information in ways that can be used effectively by communities.

The Institute is a collaborative of seven universities, each of which is working in one or more local schools on violence prevention. These schools have been chosen based upon a needs assessment of the community and the schools, using partners from the community (e.g., education, law enforcement, and other community leaders). Violence prevention efforts go beyond the schools into communities and include work with business leaders, law enforcement officials, and other interested community groups and individuals, as well as family visits. The Institute is currently developing guidance for the schools and communities regarding ways to address the needs of children and youth with disabilities in violence prevention efforts. The Institute has also been involved with OJJDP and the Office of Safe and Drug Free Schools in developing an annual report on school safety. One such report was released after the *White House Conference on School Safety* in October 1998.

Lunchtime Discussion with Judy Heumann, Assistant Secretary, OSERS, and Tom Hehir, Director, OSEP

Judy Heumann expressed concerns that the educational system, in general, has not been willing to challenge itself to deal effectively with student discipline. Often the answer has been to "put students with disabilities out of school." In school systems that are involved in broader educational reform, better results for students with disabilities are being realized. The Secretary of Education has expressed a priority for taking a proactive, interagency approach to effective student discipline involving education, human services, and the courts at the federal, state, and local levels.

Tom Hehir discussed federal efforts in the area of school safety and school discipline. He also emphasized the rights of students with disabilities to continue receiving a quality education even if they are incarcerated. An important question is how students with disabilities transition out of correctional facilities and get re-integrated into the community in a successful manner. This area

is currently a priority in the federal monitoring process. Enforcement has not been easy because there are people that still believe that incarcerated youth do not deserve educational opportunities.

Both Judy Heumann and Tom Hehir thanked the policy forum participants for sharing their time and expertise. They stated that the work of this group will have an influence on how the Department of Education works with other agencies, how it utilizes its discretionary resources, and how it conducts monitoring. Finally, they both emphasized the need to tell positive stories about correctional education, student discipline, violence prevention, school safety, and the involvement of parent/family involvement in these areas.

Burning/Pressing Issues and Strategies to Address Each Issue

Based on the participants' introductory statements and subsequent refinement of the issues in a large group, a list of 11 burning/pressing issues regarding students with disabilities in juvenile justice programs was generated. At a later point in the policy forum, these issues were prioritized by the participants. Working in three small groups, the participants also proposed a variety of strategies to address each of the 11 issues. The strategies proposed were similar across issues; however, there was no time during the policy forum to eliminate redundancy. Following are the issues in prioritized order (number of votes in parentheses) and the strategies proposed for each issue. Please note that issues 4 and 5 received the same number of votes, and issues 7, 8 and 9 received the same number of votes. The asterisks indicate tie votes.

Issue 1

There is a lack of compliance with the following legislative mandates in the juvenile justice system: Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.
[9 votes]

Strategies proposed for Issue 1:

- Identify state and local procedures for securing and sharing school records for youth who are in the juvenile justice system.
- Develop protocols for expectations of programs, particularly in juvenile detention.
- Address issues of youth mobility, which may be different than in the public schools.
- Provide training and directed follow-up technical assistance, employing the latest technology, to all stakeholders in the juvenile justice system in the following areas: requirement of federal laws, identification of the needs, evaluation, programming and due process, implementing existing individualized education programs, effective transition; and evaluate the effectiveness of the training.
- Implement consistent and effective monitoring, and enforcement of current law (e.g., third party monitoring used in Kentucky and Florida).
- Increase state reporting and accountability related to implementation of IDEA.
- Impose sanctions for noncompliance with IDEA (e.g., withholding funds).

- At the time of first arrest, evaluate youth from low income densely populated urban areas for the presence of disabilities, and refer youth to appropriate community-based services.
- Develop and refine accommodation strategies for youth with disabilities to overcome physical and programmatic barriers in facilities.
- Evaluate innovative state models (e.g., Reclaim Ohio) that attempt to provide a range of local services that enable courts to avoid commitment of youth with disabilities.

Issue 2

There is a need for increased awareness and training for workers in the juvenile justice system (e.g., judges, probation officers, police officers, public defenders), educational system (e.g., teachers and other educators in the public schools and correctional facilities), and mental health system regarding education of students with disabilities in the juvenile justice system. [8 votes]

Strategies proposed for Issue 2:

- Provide funding for multi-disciplinary, cross-agency locally-based collaborative training.
- Establish a national clearinghouse for training of stakeholders that would develop basic requirements, identify standards for training, disseminate training materials, identify trainers, and provide training.
- Provide training with targeted follow-up technical assistance.
- Provide awareness training via teleconferences (OJJDP model) and cyber-casts.
- Continue efforts that build capacity (e.g., personnel preparation).
- Foster public- and private-sector collaboration in the area of training.
- Earmark training funds for this purpose using existing ED and DOJ training programs or jointly funding a center for this purpose.
- Require all training programs to monitor implementation and effectiveness.

Issue 3

Research is needed to identify best practices and programs for preventing delinquency, serving youth with disabilities in the juvenile justice programs, and reducing recidivism. [7 votes]

Strategies proposed for Issue 3:

- Continue efforts like the OJJDP Blueprint Model.
- Help local systems collect and use their own data.
- Support research that identifies the skills/abilities needed by adults who "instruct" within a locked setting.

- Support research that identifies effective academic practices and programs for youth in juvenile justice programs.
- Support initiatives that enable local juvenile justice agencies to work with schools to tailor programs to the needs of the individual.
- Provide funding for academicians and practitioners to collaborate on establishing model demonstration programs.
- Expand research on effective methods of: violence prevention, delinquency prevention, school retention, school-wide discipline, and school mobility.
- Employ qualitative and ethnographic methodologies, as well as quantitative, in research studies.
- Focus research efforts on identifying effective preventive strategies.
- Support long-term projects (five years and more) that follow young adolescents through prevention programs and beyond.
- Include a research and development component to make promising programs and strategies even more effective.
- Use a common scale for evaluating effectiveness that allows for comparison across programs.

Issue 4*

There is an over-representation of children and youth of color in the juvenile justice system. This generates concern about differential treatment, the adequacy of information about cultural factors, and the understanding and value of differences.
[6 votes]

Strategies proposed for Issue 4:

- Increase public and professional awareness of the over-representation of youth of color with disabilities in the juvenile justice system.
- Identify issues of concern regarding youth in the juvenile justice system who are English language learners and also have a disability.
- Make certain that all projects addressing over-representation of youth with color in the juvenile justice system also address disabled youth and their families.
- Build on existing federal and other efforts addressing over-representation and differential treatment.
- Build in a mechanism for checks on the system (e.g., in Kentucky judges do not make placement decisions because a statutory change gave this decision-making power to an outside state agency).
- Provide experiential training for all staff in the juvenile justice system on cultural and ethnic issues related to disabilities.
- Increase involvement of persons of color and those concerned about over-representation issues in decision-making positions.

- Increase knowledge about the causes of over-representation and how to promote acceptance of diversity.

Issue 5*

We must provide a seamless, consistent, coordinated, and appropriate system of services for children and youth with disabilities across educational, juvenile justice and other agencies and insure a smooth transition through the continuum.
[6 votes]

Strategies proposed for Issue 5:

- Create agency policy that facilitates the sharing of records among agencies that work with disabled youth in the juvenile justice system
- Establish cross-agency case management for disabled youth in juvenile justice.
- Develop strategies for pooled funding for agencies dealing with youth with disabilities.
- Support community-based leadership training related to the provision of seamless services.
- Coordinate federal initiatives to eliminate duplication and competition in regard to services for youth in juvenile justice programs.
- Support the use of technology by local communities to track and coordinate services for youth (e.g., *single point of entry*, where families must only provide background information one time).
- Promote collaboration between national associations and organizations that address this issue.
- Promote the principle of *no reject/no eject* by community-based programs.
- Fund model demonstrations of seamless services at the community level.
- Support the establishment of statewide management information services for education.
- Designate staff in juvenile centers whose job it is to help children move through the system.
- Reinforce collaborative models involving all agencies who deal with children moving through juvenile justice and educational systems.
- Foster local efforts to address transition (e.g., regionalize placements).

Issue 6

There is a need to disseminate what is currently known about best practices and programs, as well as what is known about what is NOT effective, in order to facilitate the implementation of best practices.
[5 votes]

Summary of strategies proposed for Issue 6:

- Provide funding incentives for effective programs to sustain and enhance programming.
- Explore innovative strategies for sharing information.

- Fund programs for the specific purpose of disseminating information about what is effective and what is not effective.
- Implement an ongoing public relations campaign on effective programs that targets policy makers.
- Fund a national clearinghouse on juvenile justice education and make information available on the internet.
- Provide targeted technical assistance in the area of effective dissemination strategies.

Issue 7*

There is a need for more prevention and early intervention efforts to decrease the numbers of children and youth who become involved in the juvenile justice system.
[2 votes]

Strategies proposed for Issue 7:

- Develop school policies and procedures to prevent harassment of disabled youth, such as teaching and reinforcing desired attitudes, beliefs, and behavior at all ages.
- Establish expectations for the academic success for disabled youth in the justice system.
- Provide support to modify effective prevention programs (already tested) for disabled youth.
- Work with families, parent education programs, and wrap-around programs on prevention and early intervention.
- Identify and intervene at an early age (birth) without labeling.
- Develop descriptive (best practices) for application.
- Fund intensive intervention for youth at risk and youthful offenders.
- Invest in long-term studies of prevention efforts.
- Promote home visitations as a promising strategy.
- Address prevention at the adolescent age level (e.g., after-school programs for children and youth).
- Involve communities in early intervention through school/community partnerships.
- Incorporate prevention and early intervention programs as part of standards of school effectiveness.
- Conduct school-wide screening to identify youth exhibiting anti-social behavior.

Issue 8*

There is a need for early and ongoing parent and family involvement in juvenile justice programs.
[2 votes]

Strategies proposed for Issue 8:

- Conduct research on effective strategies for involving families in all phases of the juvenile justice system, including those strategies currently used by parent centers (e.g., providing transportation and childcare).
- Provide family support and advocacy centers/programs with information about the prevalence of youth with disabilities in the juvenile justice system.
- Link families of youth with disabilities with multiple agencies (e.g., mental health, social services, family preservation).
- Embrace principles of *family access*, *voice*, and *ownership*.
- Provide funding to increase opportunities for family involvement in youth treatment when distance is an issue.
- Increase the emphasis on community-based programs that are more accessible to families.
- Develop and implement training programs for parents and parent surrogates.
- Schedule meetings to discuss probation, treatment, etc. at times families are able to attend.

Issue 9*

Within the juvenile justice system, there is inadequate coordination between the educational and residential/institutional programs.
[2 votes]

Strategies proposed for Issue 9:

- Support team-based services for youth in residential programs by providing joint planning time for education, program, living, and security staff.
- Require comprehensive transition plans before youth are released from residential programs (e.g., identify special needs and link to resources).
- Identify models for effective collaboration of treatment, custody and education that address security issues.
- Identify models for the provision of a full continuum of educational and related services within residential programs.
- Examine differential education funding levels—juvenile justice versus public schools.
- Enhance the collaboration between special education in the public school systems and residential programs for incarcerated youth.
- Monitor the coordination between educational and residential/institutional programs and make improvements based on this information.

Issue 10

There is the need to link educational services for students with disabilities in juvenile justice programs with the larger issues of educational and institutional reform in order for meaningful change to occur.
[1 vote]

Strategies proposed for Issue 10:

- Jointly fund (OSEP & OJJDP) model sites that seek to alter the culture of juvenile justice institutions to ensure that they treat all youth as individuals, including youth with disabilities.
- Analyze policies across state agencies to identify states that involve juvenile justice in larger reform effects, disseminate that information, and provide incentives to states to coordinate efforts.
- Connect educational reform efforts with accountability measures.
- Increase public awareness of the importance of including a focus on students with disabilities when discussing such general issues as violence prevention, class size reduction, etc.
- Create and maintain an ongoing dialogue between juvenile justice and public education.
- Continue high level discussions at the Departments of Justice and Education
- Examine cost/benefit of existing educational delivery systems (e.g., high cost of incarceration vs. front-end special education/related services).

Issue 11

There is a need for ongoing infrastructure support for teachers and other personnel in the juvenile justice system.
[no votes]

Strategies proposed for Issue 11:

- Encourage the matching of federal funds with private money, cooperative partnerships, and in-kind contributions.
- Develop a co-ordinated management information system accessible to the educational and juvenile justice system.
- Increase the recognition of effective juvenile justice practitioners by highlighting them on web pages, recognizing them at conferences, and making awards for outstanding service.
- Implement electronic networks for connecting practitioners with resources.
- Identify methods for the effective transfer of records and tracking of youth (e.g., information about services provided, crimes committed, mobility).
- Establish a clearinghouse responsible for infrastructure support in such areas as records transfer, management and tracking systems, technical assistance, personnel development, guidelines for caseloads, educational programming, etc.
- Develop standards for juvenile justice education programs (i.e., teacher/student ratio, space/facilities, support programs and services).
- Utilize State Improvement Plans to enhance juvenile justice education services.
- [See also strategies listed for Issue 2]

Roles for the Federal Government - Summary of Recommendations

Policy forum participants made recommendations as to how the federal government could support students with disabilities in juvenile justice programs. The recommendations generated for the highest priority issues are summarized below. A full set of recommendations for all issues can be found in Appendix C.

- To reduce the over-representation of youth of color within the juvenile justice programs, the federal government should provide support for training of law enforcement officers, juvenile justice staff, court personnel, and educators in areas such as cultural and ethnic competence, and prevention and early intervention.

- OSEP/OJJDP should support research that examines links between race, delinquency, and disability, as well as the identifies best practices for education within juvenile justice facilities and transition to back to the community.

- The federal government should monitor education programs within juvenile facilities more closely and urge state education agencies to improve monitoring of these programs.

- Joint efforts and initiatives (e.g., institute, clearinghouse, research, training projects, model demonstration projects, dissemination strategies, and policy forums) should be supported by OSEP, OJJDP, and other appropriate federal agencies related to effective transfer of student records; a single point of entry across agencies; effective pooled funding mechanisms; educational practices that work within juvenile justice facilities and are coordinated with the overall institutional program; effective strategies for juvenile detention programs; developing seamless, coordinated systems of care with smooth transition; interagency case management; and promotion of *no reject/no eject* community-based services.

- Collaborative efforts should be carried out by OSEP and OJJDP to assure early and ongoing parent and family involvement in the juvenile justice system, including support of research on effective ways to involve families in advocacy, treatment, probation, and education; funding for family support and parent training centers; and incentives for states to establish interagency structures that would allow families to access information while their children are involved in the juvenile justice system.

- OSEP should encourage states to utilize the State Implementation Grant mechanism to develop interagency, seamless systems of care across education, mental health, and other social services agencies, as well to implement prevention and effective intervention of youth with disabilities within juvenile detention and other juvenile justice programs.

Next Steps

A collaborative priority, involving OSEP and OJJDP, will be developed immediately based, in part, on the work of this policy forum. In addition, OSEP and OJJDP will continue to work together to provide leadership to address the challenges of students with disabilities in juvenile justice programs through the Interagency Coordinating Council and other federal investments, such as the Center for Effective Collaboration and Practice and the Hamilton Fish Institute on School and Community Violence.

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Appendix A

Participant List

Students with Disabilities in the Juvenile Justice System: Directions for Federal Support

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Invited Speakers & Current Recipients of Federal Funds

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David Osher, American Institutes of Research

Appendix B

Policy Forum Agenda

Students with Disabilities in Juvenile Justice Programs: Directions for Federal Support

Policy Forum Agenda

Monday, October 26, 1998

8:30 - 9:00	Breakfast Buffet
9:00 - 9:10	Welcome *Joy Markowitz, Project FORUM at NASDSE* *Renee Bradley, Office of Special Education Programs (OSEP)* *Gina Wood, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*
9:10 - 9:30	Background, Purpose, and Outcomes of the Forum *Shay Bilchik, OJJDP*
9:30 - 10:30	Introduction of Forum Participants Presentation of Burning/Pressing Issues
10:30 - 10:35	A Word from Project FORUM on Meeting Logistics
10:35 - 10:45	Break
10:45 - 11:15	Brief Report From Two Federally Funded Projects *David Osher, Center for Effective Collaboration and Practice (CECP) & American Institutes of Research (AIR)* *Paul Kingery, Hamilton Fish Institute on School and Community Violence*
11:15 - Noon	Clarification and Collapsing of Burning/Pressing Issues
Noon - 1:30	Lunchtime Discussion with *Judy Heumann, Assistant Secretary, OSERS* *Tom Hehir, Director, OSEP*
1:30 - 1:45	Directions for Afternoon Work in Small Groups
1:45 - 2:45	First Small Group Session-Strategies to Address Burning/Pressing Issues
2:45 - 3:15	Small Group Report to Large Group
3:15 - 3:30	Break
3:30 - 4:30	Second Small Group Session-Strategies to Address Burning/Pressing Issues
4:30 - 5:00	Small Group Report to Large Group

5:00 - 5:15	Recap of Day's Work and Plans for Day 2 Logistics Update
5:15	Adjourn for Day

Tuesday, October 27, 1998

8:30 - 9:00	Breakfast Buffet
9:00 - 9:30	Review and Clarification of Issues and Strategies
9:30 - 9:45	Individual Prioritization of Issues
9:45 - 11:45	Roles for the Federal Government in Facilitating the Implementation of Strategies for Addressing Burning/Pressing Issues
11:45 - Noon	Next Steps
Noon	Adjourn Policy Forum

Appendix C

Recommendations for Federal Role

Recommendations for Federal Role

Issue 1

There is a lack of compliance with the following legislative mandates in the juvenile justice system: Individuals with Disabilities Act (IDEA), the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

- The federal government should ensure that state departments of education monitor services to youth with disabilities in all detention centers, juvenile correctional facilities and adult facilities.
- The federal government should ensure that state departments of education monitor school districts to ensure that the full continuum of special education services are maintained for youth transferring into or out of juvenile justice (see Issue #8)
- The federal government should identify methods for effectively transferring student records from placement to placement.
- The federal government should include requirements in Requests for Proposals (RFP's) that implementation and follow-up technical assistance be documented for all training grants.
- The federal government should develop a more effective and consistent federal monitoring process to assure accountability and positive outcomes. Specifically, such procedures should require increased state monitoring and reporting of compliance with IDEA, 504, and ADA in juvenile justice programs and facilities.
- The federal government should develop and implement requirements (e.g., possibly through regulations) for specialized programs in juvenile detention and training schools as well as adult facilities.
- The federal government should provide technical assistance to bring state and local jurisdictions into compliance with IDEA, ADA, and 504 in their juvenile and adult facilities.
- OSEP, in cooperation with other federal agencies, should ensure that each state monitors compliance with IDEA, ADA, and 504 in juvenile justice/corrections facilities, and report on the outcomes of such monitoring.
- OSEP/OJJDP should fund an institute to help ensure compliance and to implement recommended strategies in Issue #2 (including training, technical assistance, and dissemination regarding best practices and data analyses).
- A major training institute on compliance issues should be funded to include all stakeholders.
- A 3-year federally-directed policy academy on strategies for securing and sharing records should be established and funded, involving the U.S. Department of Education, state corrections, educational agencies, and other appropriate personnel and entities.
- Funding should be provided for mandatory testing of all students placed in detention.
- Technology training should be supported for teachers within detention programs/facilities.

Issue 2

There is a need for increased awareness and training for workers in the juvenile justice system (e.g., judges, probation officers, police officers, public defenders), educational system (e.g., teachers and other educators in the public schools and correctional facilities), and mental health system regarding education of students with disabilities in the juvenile justice system.

- Funding for locally-based collaborative training should be provided for all stakeholders.
- A National Clearinghouse should be established to support training of educational and corrections personnel within juvenile justice programs, as well as to provide grants to facilities for training at their sites and other support for all stakeholders.
- Personnel preparation grants in this area should be supported.
- The federal government (OSEP/OJJDP) should make available information regarding effective staff development curricula related to students with disabilities.
- The federal government should support training for juvenile justice professionals that includes measurement of ongoing implementation and results.
- A new institute (and/or agencies) should be established to support existing clearinghouses.
- OSEP/OJJDP should fund a joint personnel preparation initiative around issues of disability, education, treatment, and the justice system.
- A series of teleconferences should be supported for the purpose of providing training for educational and juvenile justice personnel.
- A technical assistance program should be funded to follow up on teleconference.
- Training opportunities for all stakeholders should be provided regarding the education of students with disabilities in the juvenile justice system.
- Correctional education and other juvenile justice programs should be monitored to determine the extent of implementation of training efforts.

Issue 3

Research is needed to identify best practices and programs for preventing delinquency, serving youth with disabilities in the juvenile justice programs, and reducing recidivism.

- NIDA, SAMS, OJJDP, OSEP, and other agencies should provide qualitative and quantitative grants to identify best practices and programs and resources for dissemination.
- Research priorities should be funded jointly by various federal agencies (i.e., interagency research) to synthesize research findings from various agencies.
- The federal government should support model demonstration projects of at least 4-5 years duration.
- The federal government should provide funds to researchers or others in order to disseminate research.
- The federal government should support and fund the development of effective program models for community-based and institutional special education programs.

- OSEP/OJJDP should fund research on best practices in short-term detention and correctional facilities (e.g., could use OJJDP blueprint model).
- OSEP/OJJDP should fund studies that investigate efficacy of various instructional models (e.g., peer tutoring) in correctional/juvenile justice settings.
- The federal government should help systems identify best practice components for their programs.
- The federal government should provide technical assistance for implementation of "best practices".

Issue 4

There is an over-representation of children and youth of color in the juvenile justice system. This generates concern about differential treatment, the adequacy of information about cultural factors, and the understanding and value of differences.

- Public awareness strategies should be increased regarding disproportionate and differential treatment.
- Multi-agency contracts or grants should be provided to demonstrate the extent of disproportionality and differential treatment, as well as to determine causes through coordinated research projects.
- The federal government should require that all grant-supported projects address issues of cultural and ethnic competence at every stage.
- The federal government should support training of law enforcement officers that encompasses both cultural and ethnic competence as well as manifestation of disabilities.
- The federal government should support training for juvenile justice staff that encompass both cultural and ethnic competence as well as manifestation of disabilities.
- The federal government should support training for court personnel (judges, prosecutors, probation) that encompass both cultural and ethnic competence as well as manifestation of disabilities.
- OSEP/OJJDP fund a study to examine links between race, delinquency, and disability. These studies should draw on existing information regarding links between disability and delinquency as well as information on disproportionate representation of minorities, specifically looking at all three areas.
- OJJDP should ensure that all existing projects on over-representation of minority youth include a component on disability issues.
- A collaborative effort should be jointed funded to establish a culturally-competent approach to issues of disproportionality, including a focus on the importance of valuing diversity and differences, self assessment process, cultural knowledge, and services and policies to benefit these youth. Collaborative partners should include the Department of Human Services, OJJDP, OSEP/OSERS, and other Federal agencies.
- More effective monitoring of detention placement decisions should be made by local court systems.
- Mechanisms need to be put in place for early detection of special needs (detention).

- Efforts should be made to increase the awareness of judges (court system) regarding disabilities and special needs.

Issue 5

We must provide a seamless, consistent, coordinated, and appropriate system of services for children and youth with disabilities across educational, juvenile justice and other agencies and insure a smooth transition through the continuum.

- The federal government should identify models that provide seamless systems.
- The federal government should provide support for the development of tracking systems that work at a state, regional, and local level.
- Interagency system change should be supported to facilitate a seamless system at state, regional, and local levels.
- The federal government (OSEP/OJJDP) should encourage state improvement plans and fund local projects that promote ongoing interagency collaboration in providing seamless services to children with disabilities in the juvenile justice system.
- The federal government should require that efforts to identify youth with disabilities are initiated at the point of entry into the juvenile justice system.
- OSEP/OJJDP should identify and disseminate information on state statutes, policies and practices that efficiently share records.
- OSEP/OJJDP should identify and disseminate information on systems that have developed effective pooled funding mechanisms.
- Funding should be provided to establish no reject, no eject community based services for four model demonstration programs (seamless services at the community level).

Issue 6

There is a need to disseminate and implement what is currently known about best practices and programs, as well as what is known about what is NOT effective, in order to facilitate the implementation of best practices.

- Incentives and support (3-4 year support) should be provided to facilities to implement sustainable best practices.
- Funding should be provided to identify best programs.
- Model demonstration funding should be supported by OSEP/OJJDP and by corresponding agencies at the state level.
- Dissemination of research should be funded at the facility level that applies what we know.
- The federal government (OSEP/OJJDP) should provide a Clearinghouse on effective programs and practices relating to special education in the juvenile justice system, (including any information on what doesn't work). Use of a Website for information dissemination should be explored.
- The federal government (OSEP/OJJDP) should publish information about special education law, funding issues, and a continuum of effective programs (custodial and community based) that meet the needs of juvenile justice youth with disabilities –

especially for juvenile justice professionals.

- OSEP/OJJDP should identify and publicize examples of effective special education programs in juvenile corrections.
- OJJDP should develop partnerships with other public/private groups to increase public education on disability/education and justice issues.
- Pilot programs should be funded to implement good programs and document outcomes.

Issue 7

There is a need for more prevention and early intervention efforts to decrease the numbers of children and youth who become involved in the juvenile justice system.

- Support for school-wide prevention, screening, and early intervention should be provided.
- Investments in longitudinal and early intervention studies should be supported.
- The federal government should continue and increase efforts to identify very young children with disabilities or special needs through a broader range of community agencies (school resource centers, well-baby clinics, pre-schools, and other settings where young children may spend time).
- A policy forum should be convened that brings HHS, OJJDP, OSEP and others together to discuss links between social services/child welfare's handling of children with disabilities and delinquency prevention.
- An initiative on prevention and early intervention programs should be supported to establish standards of school effectiveness.
- Regional home visitation demonstration programs should be funded

Issue 8

There is a need for early and ongoing parent and family involvement in juvenile justice programs.

- Research should be funded to determine strategies that involve families in advocacy and treatment for youth with disabilities in the justice system.
- Strategies should be identified and supported that include families in the system and make it easier for them to participate by embracing and supporting the principles of access, voice, and ownership.
- The federal government should fund pilot programs that emphasize and assess outcomes for children with disabilities whose families are actively encouraged to participate in special education and other programs as their children move through the juvenile justice system.
- OSEP should require family support/parent training centers to address issues related to disability and delinquency in their outreach activities and training.
- The federal government should require states to establish a core interagency structure with whom parents could access information, training, and support regarding disabilities, truancy, juvenile justice, and prevention of harassment of youth with disabilities. Compliance and data keeping should be supported by the states.

Issue 9

Within the juvenile justice system, there is inadequate coordination between the educational and residential/institutional programs.

- Support to facilities should be provided for the implementation of team-based services within residential programs, including education, the living unit and security.

Issue 10

There is the need to link educational services for students with disabilities in juvenile justice programs with the larger issues of educational and institutional reform in order for meaningful changes to occur.

- Interagency research and dissemination of research should be supported that establishes the cost-benefits of prevention and early intervention.
- OSEP/OJJDP should fund and support model sites to recreate a culture of juvenile justice institutions to ensure that they treat all youth as individuals, including youth with disabilities.

Issue 11

There is a need for ongoing infrastructure support for teachers and other personnel.

- Fund pilot sites in several communities to study transfer of records:
  - Who shares?
  - What is shared?
  - How is it shared?
  - For what purpose is it shared?
  - How is sharing facilitated?
  - How is sharing funded?